

The attached amendment may be appealed by following the procedures described in this amendment. If you have any questions regarding the content of the amendment, please contact me at (360) 407-6976.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brenden McFarland', with a stylized, cursive-like script.

Brenden McFarland, Section Supervisor
Environmental Review and Transportation Section Manager
Shorelands and Environmental Assistance Program

cc: Tom Taylor, Corps Vancouver Field Office
Todd Thornburg, Anchor Environmental

ecc: Jessica Moore, Ecology
Laura Inouye, Ecology
Loree' Randall, Ecology

IN THE MATTER OF GRANTING A) ORDER #5984
WATER QUALITY) Corps Reference No. NWP-2007-916P
CERTIFICATION TO) Phase 1 maintenance dredging of up to 200,000
the Port of Vancouver) cubic yards (cy) of material to deepen berthing
In accordance with 33 U.S.C. 1341) areas to -43 feet Columbia River Datum (CRD)
(FWPCA § 401), RCW 90.48.120, RCW) plus 2 feet of advance/allowable dredging to a
90.48.260 and Chapter 173-201A WAC) total depth of -45 feet CRD in the Columbia
River, Clark County, Washington.

TO: Ms. Jessi Belton
Port of Vancouver
P.O. Box 1180
Vancouver WA 98666

On October 1, 2008, the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Vancouver for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Order No. 5984 dated October 1, 2008, is hereby amended as follows:

Project Description:

The project description as originally stated in the October 1, 2008 401 Water Quality Certification was as follows:

1. Paragraph 3 that currently reads as:

Additionally, annual maintenance dredging of up to 150,000 cy of sediment will be removed as part of regular maintenance of all berths, both Phases 1 and 2. A maximum amount of 200,000 cy will be removed over the term of this permit.

Is now revised to read:

Additionally, annual maintenance dredging of up to 50,000 cy per year of sediment will be removed as part of regular maintenance of all berths. A maximum amount of 200,000 cy will be removed over the term of this permit.

2. Paragraph 4 that currently reads as:

Dredging will be performed mechanically from the water using either a derrick and clamshell or a long-arm excavator. An open bucket will be necessary because of the dense and consolidated nature of the material to be dredged. The dredge prism will be offset 5 feet from the berth face to minimize sloughing of side-slope sediments into the dredging area.

Is now revised to read:

Dredging will be performed mechanically from the water using either a derrick and clamshell or a long-arm excavator. An open bucket will be necessary because of the dense and consolidated nature of the material to be dredged. The dredge prism will be offset 5 feet from the berth face to minimize sloughing of side-slope sediments into the dredging area for those berths that will be deepened.

3. Paragraph 7 that currently reads:

The Port plans to place the dredged material at the Port's Gateway 3 dredged material disposal site on the northwest corner of Parcel 3, on the Parcel 8 site, or another appropriately permitted upland site. The Port plans to pursue permits to fill portions of Parcel 7, Parcel 1A, and other portions of Parcel 3, any of which may be considered for use during the life of this permit. Beneficial use of the material may also be considered.

Is now revised to read:

The Port plans to place the dredged material at the Port's Gateway 3 dredged material disposal site on the northwest corner of Parcel 3 or another appropriately permitted upland site. The Port plans to pursue permits to fill portions of Parcel 1A, and other portions of Parcel 3, any of which may be considered for use during the life of this permit. Beneficial use of the material may also be considered.

4. Condition B1 that currently reads:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i)(D). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

Is now revised to read:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i)(C). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

5. Condition D4 that currently reads:

4. The sediment shall be dredged down to a depth of -45 to -46.5 feet in this area to ensure that all contaminants have been removed. Z-layer testing has shown that sediments in these berths meet the sediment evaluation framework (SEF) guidance at this depth.

Is now revised to read:

4. Berth 7 shall be dredged to -42 to 43 feet with a 2 foot overdredge allowance. Berths 8 and 9 shall be dredged to -45 to -46.5 feet with a 2 foot overdredge allowance. Z-layer testing has shown that sediments in these berths meet the sediment evaluation framework (SEF) guidance at these depths.

Appeal Process:

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Department of Ecology
Federal Permit Coordinator
Attn: Helen Pressley
P.O. Box 47600

Olympia, WA 98504-7600

For additional information visit the Environmental Hearings Office Website:

<http://www.cho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:

<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated this 5th day of Nov, 2008 at Lacey, Washington.



Brenden McFarland, Section Supervisor
Environmental Review and Transportation Section Manager
Shorelands and Environmental Assistance Program